

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 7, 2005

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Hill, absent and formally excused by the Chair; and Senators Cameron and Noble, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Sheryl Tubbs, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 4, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 7, 2005

The JUDICIARY AND RULES Committee reports that **S 1091**, **S 1092**, **S 1093**, and **S 1094** have been correctly printed.

DARRINGTON, Chairman

S 1091 was referred to the Transportation Committee.

S 1092 and **S 1093** were referred to the Commerce and Human Resources Committee.

S 1094 was referred to the Education Committee.

February 4, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1027** was delivered to the Office of the Governor at 2:10 p.m., February 4, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 4, 2005

The JUDICIARY AND RULES Committee reports out **S 1038**, **S 1054**, and **S 1055** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1038, **S 1054**, and **S 1055** were filed for second reading.

February 4, 2005

The JUDICIARY AND RULES Committee reports out **S 1063** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1063** was referred to the Fourteenth Order of Business, General Calendar.

February 4, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **S 1052** with the recommendation that it do pass.

SCHROEDER, Chairman

S 1052 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, **SCR 101** retained its place on the calendar for Monday, February 14, 2005.

The President announced that **HCR 5**, having been held, was before the Senate for final consideration.

Moved by Senator Lodge, seconded by Senator Burkett, that **HCR 5** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Noble. Total - 2.

Total - 35.

Whereupon the President declared **HCR 5** adopted, title was approved, and the resolution ordered returned to the House.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Lawrence Lafrenz was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, the Gubernatorial appointment of Lawrence Lafrenz as Adjutant General of the Idaho National Guard was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 104** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Werk, **SCR 104** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 105** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Senator Bunderson, **SCR 105** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1095

BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO PRACTICES GOVERNING ORE PROCESSING BY CYANIDATION; AMENDING SECTION 39-103, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-118A, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR A PERMIT FROM THE DIRECTOR OF THE DEPARTMENT OF

ENVIRONMENTAL QUALITY FOR A FACILITY TO CONDUCT ORE PROCESSING BY CYANIDATION AND TO GOVERN APPLICATION OF PROVISIONS DURING TRANSITION; AMENDING SECTION 47-1501, IDAHO CODE, TO INCLUDE CLOSURE OF CYANIDATION FACILITIES WITHIN PURPOSES OF THE CHAPTER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-1502, IDAHO CODE, TO SPECIFY SCOPE OF THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1503, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1505, IDAHO CODE, TO INCLUDE CLOSURE ACTIVITIES OF A CYANIDATION FACILITY WITHIN DUTIES OF THE BOARD OF LAND COMMISSIONERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1506, IDAHO CODE, TO ENUMERATE DUTIES OF A CYANIDATION FACILITY OPERATOR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1507, IDAHO CODE, TO GOVERN APPROVAL OR REJECTION OF A PERMANENT CLOSURE PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1508, IDAHO CODE, TO GOVERN SUBMISSION OF AN AMENDED OR SUPPLEMENTAL PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1512, IDAHO CODE, TO GOVERN SUBMISSION OF A BOND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1513, IDAHO CODE, TO PROVIDE FORFEITURE OF BOND AND PENALTIES FOR OPERATOR'S FAILURE TO COMPLY WITH PERMANENT CLOSURE PLAN OF A CYANIDATION FACILITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1514, IDAHO CODE, TO PROVIDE FOR APPEAL FROM AN ORDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1517, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR CONDUCT OF A CYANIDATION FACILITY; AMENDING SECTION 47-1518, IDAHO CODE, TO GOVERN APPLICATION OF THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 42-202B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1096

BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5224, IDAHO CODE, TO PROVIDE THAT NO PENDING RULE OR PORTION THEREOF THAT HAS A FISCAL IMPACT GREATER THAN TEN THOUSAND DOLLARS IN ANY FISCAL YEAR SHALL BECOME FINAL AND EFFECTIVE UNTIL IT HAS BEEN APPROVED, AMENDED OR MODIFIED BY CONCURRENT RESOLUTION.

S 1097

BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5221, IDAHO CODE, TO REQUIRE THAT AN AGENCY INCLUDE IN A NOTICE OF PROPOSED RULEMAKING A CITATION TO THE SPECIFIC SECTION OF THE IDAHO CODE THAT HAS OCCASIONED THE

RULEMAKING AND A SPECIFIC DESCRIPTION, IF APPLICABLE, OF ANY FISCAL IMPACT GREATER THAN TEN THOUSAND DOLLARS; AND DECLARING AN EMERGENCY.

S 1095, S 1096, and S 1097 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 12, H 13, and H 15, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1030, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 2 and H 3, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1019 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Noble. Total - 2.

Total - 35.

Whereupon the President declared **S 1019** passed, title was approved, and the bill ordered transmitted to the House.

S 1032 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Noble. Total - 2.

Total - 35.

Whereupon the President declared **S 1032** passed, title was approved, and the bill ordered transmitted to the House.

S 1033 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Noble. Total - 2.

Total - 35.

Whereupon the President declared **S 1033** passed, title was approved, and the bill ordered transmitted to the House.

S 1013 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Noble. Total - 2.

Total - 35.

Whereupon the President declared **S 1013** passed, title was approved, and the bill ordered transmitted to the House.

Senator Noble was recorded present at this order of business.

S 1014 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Hill. Total - 1.

Total - 35.

Whereupon the President declared **S 1014** passed, title was approved, and the bill ordered transmitted to the House.

S 1016 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Hill. Total - 1.

Total - 35.

Whereupon the President declared **S 1016** passed, title was approved, and the bill ordered transmitted to the House.

S 1040 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Hill. Total - 1.

Total - 35.

Whereupon the President declared **S 1040** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:15 a.m. until the hour of 10:45 a.m., Tuesday, February 8, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary